

# Item no.

Report to: **Development Control and Regulatory Panel**

Date: **19 June 2007**

Report of: **Head of Planning and Building Control Services**

Subject: **Applications under the Town and Country Planning Acts  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990**

Ward: **All**

## **A INTRODUCTION**

Members are advised that in preparing the attached report full consultation responses are not presented. Care is taken to ensure that principal issues of all relevant responses are incorporated into the report. Notwithstanding this Members are invited to view all submitted plans and consultation responses prior to the Panel meeting by contacting the Head of Planning and Building Control Services.

The Easington Local Plan was adopted by the District of Easington on 28<sup>th</sup> December 2001. Together with the Durham County Structure Plan it is a material consideration in the determination of planning applications. All relevant policies have been taken into account in making recommendations in this report. A view as to whether the proposals generally accord with policies is identified in the relevant section.

Section 54A of the 1990 Town & Country Planning Act (as amended) requires the Local Planning Authority to have regard to the development plan policies when they are relevant to an application and hence are a material consideration. Where such policies are material to a proposal, section 54A requires the application to be determined in accordance with the Development Plan policies unless material considerations indicate otherwise.

The recommendations contained in this report have been made taking into account all material planning considerations including any representations received and Government guidance in Planning Policy Guidance Notes and Circulars. Consideration has been given to whether proposals cause harm to interests of acknowledged importance.

Members attention is drawn to information now provided in respect of time taken to determine applications. Following each recommendation a determination time is provided based on a decision at this Panel. Where a decision time exceeds the 8 week target a reason for this is given in brackets.

In considering the applications and preparing the report the District of Easington has fully taken into account the duties imposed on Local Planning Authorities by the Human Rights Act 2000. In particular, regard has been given to Articles 6, 7, and 8, the First Protocol and Section 6. Where specific issues of compliance with this legislation have been raised these are dealt with within each report.

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## **B SPEAKING AT THE PANEL**

The District Council is one of the few Councils in the country who allows verbal representations when decisions on planning applications are being made. The Panel has to balance listening to views with the efficient conduct of the business of the Panel. The following procedures have therefore been agreed. These procedures will be adhered to in respect of the items within this report. Members of the public will also be expected to follow these both in their own interests and that of other users of the service.

1. The Planning Officer will present his report.
2. Objectors and supporters will be given the opportunity to speak. Five minutes will be given to each speaker. If there is more than one speaker upon an issue, the District Council recommends the appointment of a spokesperson and that speakers register their request prior to the Panel meeting.
3. After registered speakers have had their say the Chair of the Panel will ask if there is any other member of the public who wishes to speak. Those who do may be allowed to speak. The Chair of the Panel will exercise discretion in this regard. Where the number of speakers or the repetitive nature of the points that may be raised may impact on the other business of the Panel then the Chair will restrict the number of speakers and progress the matter.
4. The applicant or representative may then speak for a duration of up to five minutes.
5. At the discretion of the Chair, objectors or supporters or applicants may ask officers questions then may be asked questions by Members and Officers
6. The Members of the Panel will then finally debate and determine the application with the assistance of officers if required.

## **C RISK ASSESSMENT**

A risk assessment has been carried out in respect of individual cases. Overall, it is concluded that any risks to the Council, for example relating to an appeal being lost and costs awarded against the Council, are low, provided that decisions are made in accordance with recommendations. Risks will increase when decisions are made contrary to recommendations, and the degree will vary depending on the particular case.

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## D GENERAL APPLICATIONS

### PLAN/2006/0747 – (amended plans)

#### **SEATON WITH SLINGLEY (SEAHAM NORTH) - AMENDED PLANS RELATING TO 2 NO. HOUSES AT LAND TO REAR OF PEAR TREE HOUSE AND EAST OF HILLRISE CRESCENT, SEATON FOR WMW SELF BUILD**

#### **Background and the Proposed Development**

This report is produced in response to amended plans submitted in relation to residential development granted at the above site in December 2006.

Full planning permission was granted for two houses on this site under application number 2006/0747. This report relates to amended details relating to plot 3, namely the extension of the first floor into the roof space over the garage and the provision of an additional roof light on the eastern elevation and an additional dormer window on the west elevation.

#### **Planning Policy**

*District of Easington Local Plan*

Policy 35 – Design and amenity

#### **Consultations and Publicity**

Local residents and the Parish Council were consulted on this proposed amendment. At the time of drafting, three residents have raised objections on the following grounds :

- Loss of privacy from new roof lights

#### **Planning Considerations and Assessment**

The main planning issue to be considered relating to the proposed amendment is one of whether the additional roof light and dormer window will cause unacceptable additional loss of privacy to local residents.

The new dormer on the west elevation does not directly overlook any dwellings and has not been objected to by local residents and is considered acceptable.

The additional roof light is proposed within the approved garage roof structure and is located some 25 metres from the existing dwellings to the east – well in excess of Local Plan guidelines of 21 metres. In addition the roof light naturally slopes with the roof line and as such does not lend itself to afford easy overlooking from within.

In view of the above therefore it is considered that the proposed amendments are acceptable in planning terms as there will be no material increase in loss of privacy to local residents.

**Recommendation** - The Panel is recommended to accept the revisions as a minor amendment to the design of the dwelling as proposed and detailed above.

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## **Reason for Approval**

The proposed amendment complies with the relevant planning policies referred to above.

**Decision Time** – Not applicable.

## **PLAN/2007/0176**

**CASTLE EDEN (HUTTON HENRY) - ERECTION OF BUILDING FOR THE PURPOSES OF AGRICULTURAL AND HOUSEHOLD STORAGE, AND FOR THE GARAGING OF PRIVATE VEHICLES AND VEHICLES USED IN CONNECTION WITH TREE SURGEONS BUSINESS, AND LAYING OF ASSOCIATED HARDSTANDING AT EDEN VALE COTTAGE STOCKTON ROAD, CASTLE EDEN FOR MR J GRUNDY**

## **The Application Site**

The site is located to the south of the village and accessed via an unmade track which also serves as a public right of way. The site is generally hidden from view by trees and shrubs except from the above track and is seen within the setting of the adjacent existing house. It is within a paddock adjacent to this dwelling but not within the development boundary of Castle Eden.

The site lies within the Conservation Area and is within an Area of High Landscape Value as designated within the Local Plan.

## **The Proposed Development**

The building is partially constructed and is intended to store bedding and feed for the applicant's small holding livestock together with associated vehicles and materials relating to the applicant's tree surgeon business. Domestic wood burning fuel is also to be stored. A hard standing is proposed to the side of the building.

The building will measure some 23 x 9 metres square and 5.4 metres to the ridge. It will be a steel framed building with dark green coloured sheeting to the walls and roof.

## **Site History**

Application 2006/690 – extensions to dwelling approved 2006.

## **Planning Policy**

*District of Easington Local Plan*

ENV03 - Protection of the Countryside  
ENV07 - Protection of Areas of High Landscape Value (AHLV)  
ENV22 - Preservation and Enhancement of Conservation Areas  
ENV41 - Control of Non- agricultural buildings in the countryside  
GEN01 - General Principles of Development  
ENV35 – Design and amenity

*Castle Eden Conservation Area Character Appraisal.*

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## Consultations and Publicity

A site notice was posted, an advertisement placed in local newspapers and local residents were consulted.

Objections have been received from 7 residents, (from 4 residences), raising the following issues :

- Development not appropriate for rural setting in Conservation Area and Area of High Landscape Value.
- Additional traffic along public right of way will inconvenience walkers and damage the footpath.
- Site will be exposed when trees lose their leaves.
- Building out of scale with its surroundings and does not enhance or preserve the Conservation Area therefore is contrary to policy.
- Building harms the setting of Eden Vale Cottage nearby.
- Contrary to the conclusions of the Local Plan Inspector who considered the area important in contributing to the character of the locality.

Parish Council – No objections.

County Highways - No objections

Castle Eden Society – object on the following grounds :

- Main use of building will be for tree surgeon business – land area is too small for small holding.
- Development not appropriate for rural setting in Conservation Area and Area of High Landscape Value.
- Additional traffic along public right of way will inconvenience walkers and damage the footpath.
- Site will be exposed when trees lose their leaves.
- Building out of scale with its surroundings and does not enhance or preserve the Conservation Area therefore is contrary to policy.
- Building harms the setting of Eden Vale Cottage nearby.
- Contrary to the conclusions of the Local Plan Inspector who considered the area important in contributing to the character of the locality.
- Proposals would be contrary to policies 1,7 and 22.

Conservation Officer – Objects for the following reasons :

The conservation area appraisal refers to the importance of the setting of the village. This proposed storage building is to the rear of properties and would harm the rural setting. This part of the conservation area is characterised by groups of trees enclosing residential properties and to some extent the same trees partly enclose this site. However the building is a large one and would not be entirely concealed. The use of the land is also a concern with additional noise and traffic movement directly behind residential properties and the loss of the quiet rural setting.

The Conservation Area appraisal also lists Eden Vale as being a building of local importance. It was the home of the Nimmo family who owned Castle Eden Brewery and is also an architecturally interesting Victorian house. I consider that this building directly on the boundary would have a harmful impact on its setting.

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Recommends refusal as the proposed building would have a harmful impact on the rural setting of the village and the setting of Eden Vale, a building highlighted in the Conservation Area Appraisal as being of local importance, and is also concerned about the use of this land

## **Planning Considerations and Assessment**

The main planning issues to consider relating to this application are:

- The physical appearance of the building and its impact on the character of the locality;
- The use to which the building is to be put and the impact those uses will have on the local environment.

### Physical Appearance

There are a number of planning policies which relate to the proposed development and those considered most relevant are noted above. The applicant has referred to a number of others that relate to agricultural land and development but it is considered that the proposed building is mainly to be used for non agricultural storage and should be considered to be a “mixed use” development within a domestic context.

The building has already been partially constructed so an appreciation of its visual impact is made easier. Views from the main road running through the village are restricted by a substantial tree screen; it is views from the public footpath to the north – which is also a vehicular access to a number of residential properties – which are considered more important.

The building is large at some 23 x 9 metres square and 5.4 metres to the ridge. This is not a domestic scaled outbuilding but one which would normally be seen within a farm complex or industrial unit. The building is clearly in view from the public footpath to the north and as such it has a visual impact on the character of the Conservation Area within which it lies.

The scale and design of the building is accepted as being of “utilitarian design” by the applicants and its means of construction – steel framed and plastic coated sheeting – is considered to reflect this. New development is required to “enhance or preserve” the conservation area within which it is proposed. Again the applicant concedes that the proposal will not enhance the conservation area but contends it will be visually “neutral” in view of its scale, design, location on low lying land and limited visibility and as such will preserve the character of the conservation area.

The above issues apply equally to the more widely designated Area of High Landscape Value within which the application site and immediate area lies and it is considered to be particularly relevant as the site lies on the edge of the built up part of the village and is particularly rural in appearance. In addition, the site is located outside the settlement boundary. Policy 41 of the Local Plan requires that a building of this nature should only be approved where it is directly adjoining an existing grouping, is well designed and located where it would not otherwise adversely affect the character or appearance of the countryside.

The building will be clearly in view to users of the public footpath to the north and to residents and others who use the driveway. The building is large and to be constructed from plastic coated steel. It is considered that the building will appear as an incongruous feature within the setting of this rural wooded part of the conservation area and neither enhances or preserves its character.

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Notwithstanding the intended external materials, it is considered that the scale and design of the structure will be such as to outweigh this attribute and result in a building appearing out of context with these rural surroundings and forming a visual intrusion within the Conservation Area and the Area of High Landscape Value.

It is also proposed to establish a hardstanding next to the building. Whilst this work itself may not cause harm to the amenities of the locality, there will be likely to be a variety of miscellaneous storage taking place thereon, contributing to the overall detrimental impact on the visual character of the locality.

## Use of Building

As described above the building is intended to be used to store agricultural feed and bedding, domestic and business vehicles and domestic fuel. Whilst the operation of a tree surgery business from the applicant's dwelling is not for consideration here, the new building may be seen to facilitate the generation of business traffic and is a material consideration.

The applicant states that he is the only person employed at the site in this business and that traffic generation is therefore minimal – 2 or 3 vehicles a day. Notwithstanding objectors' concerns in this regard, the information provided is such that it is considered that the storage of vehicles in association with a tree surgery business is unlikely to cause a material harm to the amenities of users of the public footpath to the north, based on the number of business vehicles currently operating from the site. Furthermore the Highway Authority do not object to the application on road safety grounds.

The other proposed uses are considered not to impact on the footpath/driveway use.

## Conclusion

Whilst there are a number of mitigating factors in support of the proposed development in terms of its external materials, low lying location and limited viewpoints, it is considered that these are outweighed by the issues relating to scale, design and location within the Conservation Area and Area of High Landscape Value.

The reason for designating conservation areas relies on it being "*an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*". It is considered that the proposed development conflicts with this criteria and should therefore be refused planning permission.

## Recommendation

**Refuse** for the following reasons :

- 1 Due to its scale, design and location, the proposal would be clearly in view to users of the public footpath to the north and to residents and others who use the driveway. The building would appear as an incongruous feature within the setting of this rural wooded part of the conservation area and neither enhance nor preserve its character and would be detrimental to the amenities and enjoyment of those users and residents. It is considered that the scale and design of the structure would be such as to result in a building appearing out of context with these rural surroundings and forming an unacceptable visual intrusion within the Conservation Area, the Area of High Landscape Value and

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the countryside contrary to policies 1, 3, 7, 22, 35 and 41 of the District of Easington Local Plan.

- 2 That authorisation be given to the Head of Planning and Building Control Services to take appropriate enforcement action to secure the removal of the building and reinstatement of the land, if such works are not undertaken voluntarily by the applicant.

**Decision time** 9 weeks – Target not achieved due to third party objections and referral to Panel.

## **PLAN/2007/0195**

### **THORNLEY (THORNLEY & WHEATLEY HILL) - RESIDENTIAL DEVELOPMENT AT CROSSWAYS HOTEL, DUNELM ROAD, THORNLEY FOR MR J E HUDSON**

#### **The Application Site**

The application site consists of the Crossways Hotel and associated grounds. The total site area is 0.62 hectares. The application site is bounded to the northwest by Dunelm Road, to the southwest by the A181 road, the northeast by a grassed field across which lie residential properties at the edge of Thornley Village, and to the southeast by the Heritage Trail a public footpath.

#### **The Proposed Development**

The proposal is for Outline Planning Permission for the erection of a residential development. This application deals purely with the principle of development on this site. The layout of site, scale of buildings, appearance of buildings, access to site, and landscaping of site are reserved and would be subject to a subsequent application if planning permission were to be granted.

The applicant has submitted a statement with the application in support of the proposed residential development. He has stated that by allowing the development of the site the uncertainty over the future of the existing site would be removed; and that the proposed development would contribute to the regeneration and sustainability of Thornley.

The applicant has argued that the proposed development should be allowed, on the basis that the hotel is not financially viable. Information has also been provided from estate agents who have actively marketed the property as a hotel over the last few years; the hotel site has been offered for sale unsuccessfully on the open market. It is argued that the hotel's size, position and facilities make it unattractive to hotel developers and that it offers little, if any contribution to the tourism strategy of the District.

Within the supporting statement the applicant has provided information to show that the conversion of the existing hotel buildings to form residential units has been investigated and subsequently rejected as not representing an economically viable option.

The applicant has argued that the application site lies within a prominent location adjacent to one of the main routes into Thornley and that it represents a "gateway" site the development of which would benefit Thornley as a whole. The application site is situated adjacent to the existing settlement boundary and would be accessible by



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foot from Thornley; due to its location next to the A181 it is argued that the site represents a sustainable location in terms of public transport.

During the application process the Local Planning Authority queried the applicants aspirations for the development of the site. He has confirmed that a developer would take the site on and expect to build approximately 16 medium to executive sized houses on the site. The applicant envisages that the development would be of a high quality in terms of design and materials used, in keeping with its situation in a prominent position adjacent to one of the main access roads into Thornley.

In conclusion the applicant has stated that the proposal will improve the regeneration and sustainability of Thornley by offering attractive homes; which in turn would bring new families to the village to maintain the essential services of transport, school, shops and library and encourage more services to locate in Thornley.

## **Site History**

2007/0026 - Residential Development – Refused 20/03/2007.

The previous application referred to above differed from the current application as it included the grassed field directly to the north east of the current planning application site; the current application relates only to the Hotel and associated gardens and car parking area, the grassed field originally included within the application site no longer forms part of the proposal.

## **Planning Policy**

### *District of Easington Local Plan*

- CSP01 - General Principles for Development
- CSP03 - Development within main towns
- CSP09 - Strategic Locations for New Housing
- ENV03 - Protection of the Countryside
- GEN01 - General Principles of Development
- HOU66 - Provision of outdoor play space in new housing development
- HOU67 - Windfall housing sites
- HOU68 - Housing development in the countryside
- HOU69 - Rural workers dwellings
- HOU70 - Re-use and adaptation of buildings in the countryside for residential use

The site of the proposed development is located to the south west of Thornley, outside the settlement boundary as defined in the District of Easington Local Plan. The Council's policies therefore identify this proposal as being residential development in the countryside. The site is not identified as a potential housing site in the Local Plan and is consequently a windfall site. Therefore the Draft Regional Spatial Strategy (RSS) and Planning Policy Statement 3: Housing and Planning Policy Statement 7: Sustainable Development in Rural Areas are considered relevant in this case.

## **Consultations and Publicity**

The application has been advertised in the local press and by a site notice. Neighbouring properties have been consulted. Two letters of representation have been received in relation to this application. Objections have been raised on the following grounds:

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- The application relates to a site outside the established village boundaries. There are other more appropriate sites within Thornley that should be developed before sites such as the Crossways Hotel.
- Development within the village would be of greater benefit to the village as a whole than that proposed outside the village boundaries.
- The village has already lost local services; the loss of the Hotel will be to the detriment of the village as a whole.

Easington District Council, Planning Policy Officer, comments:

- The application site is situated outside the settlement boundary of Thornley and is considered to represent development in the countryside. The site is not allocated for housing in the Local Plan and is consequently a windfall site. National, County and Local Plan policies aim to approve housing development on previously developed sites within towns and villages; as the application site falls outside the village of Thornley the proposal is considered to be contrary to the relevant national and local plan policies.
- The Draft Regional Spatial Strategy limits the number of dwellings that should be provided in the District to 175 per year until 2021. If the Council is to continue its regeneration programmes and achieve its vision, it needs to use this limited allocation where it will best meet the needs and demands of the whole District. Allowing this current proposal will detract from this objective as the Council will not have sufficient housing provision to meet planned regeneration requirements.
- The proposed development of this site is contrary to the policies outlined above and the arguments presented in the supporting statement do not justify a departure from the Local Plan policies. It is therefore recommended that this application be refused.

Easington District Council, Countryside Officer, comments:

- No objection to this proposal from an ecological point of view. The application site is considered to be a low risk to bats, however, it is recommended that any demolition is undertaken outside the bat hibernation season, November to April, and that building roofing materials are carefully removed in case bats are found.

Easington District Council, Environmental Health Officer, comments:

- Contaminated land and noise risk assessments should be carried out. If permission is to be granted a condition should be imposed whereby a baffle mound should be introduced as a suitable noise barrier to protect the amenities of future residents of the dwellings proposed. The layout of development will need to be designed to take into account the noise impact from road traffic.

Durham County Council, Planning policy, comments:

- The proposed development would conflict with the Durham County Structure Plan Policy 9 because of its location in the countryside outside the settlement boundary.

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Durham County Council, Highways Authority, comments:

- No highway objection is raised. The proposed access and visibility splays are considered to be acceptable.

East Durham Business Service, comments:

- Consultation has taken place with the Economic Development Team and I can therefore say that EDBS does not have a view on the above development.
- EDBS are currently conducting a business review of the Crossways Hotel at the owner's request. The report to be produced as part of this review is not currently available.

## **Planning Considerations and Assessment**

The main issues to consider in assessing this proposal are:

- National Planning Policy
- County Durham Structure Plan Policy
- Easington District Local Plan Policy
- Easington Development Framework
- Responses to the Applicants submission

### National Planning Policy

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) is the national planning guidance relating to development in the countryside. PPS7 states that Local Planning authorities should strictly control new house building in the countryside, outside established settlements or areas allocated for housing in development plans. It continues by making it clear that new houses in the countryside will require special justification for planning permission to be granted. Special justification could for example relate to the essential need for a worker to live permanently at or near their place of work in the countryside, or to the exceptional quality and innovative nature of the design of a proposed dwelling. The proposal is not considered to accord with the advice contained within Planning Policy Statement 7: Sustainable Development in Rural Areas as a possible exception to policy.

Planning Policy Statement 3: Housing (PPS3) is the national planning guidance relating to housing development. Government policy in PPS3 is to maximise the re-use of previously developed land, and requires a sequential approach to the identification of housing sites, which prioritises previously developed land in urban areas. As the proposal relates to a site outside the settlement limits as outlined in the Local Plan it is not considered to accord with the advice contained within Planning Policy Statement Note 3: Housing.

### County Durham Structure Plan

County Durham Structure Plan Policy No.9 deals with the locational criteria relating to new housing, it requires that the principal locations for new housing should be well related to the main towns. Durham County Council have objected to the application on the grounds that the proposed development would conflict with Structure Plan Policy No. 9 because of its location outside a town or village.

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## Easington District Local Plan

The District Council considers that housing development should normally only be approved on sites within the towns and villages of the District. There are a number of reasons for this: firstly, new development within the settlements helps to maintain the compact and coherent village form, which is most appropriate for the support of shops and facilities. Thornley has seen a fall in its population in recent years as unsuitable/low demand housing has been cleared, for example: Thornlaw North, Thornlaw South and Coopers Close. All of these sites are within the village boundary and their redevelopment would maintain the compact and convenient village form as well as sustain the village's population and local businesses. Redevelopment of these "Brownfield" sites should take priority over sites which are outside the village boundary such as the current proposal. Indeed, development of sites outside of the settlement boundary can undermine the regeneration of the village as a whole.

Policy 67 of the Local Plan states that housing development will be approved on previously development sites within settlement boundaries of established towns and villages. The application site is situated outside the village of Thornley as outlined in the Local Plan. It is accepted that the application site including the existing hotel buildings and associated gardens and parking area, can be considered to be previously developed land under the definitions contained within PPS3. However, because of its siting outside the established settlement boundaries the proposal is considered to be contrary to policy 67 of the local plan.

Local Plan Policies 3 and 68 severely restrict development in the countryside. Policy 3 deals with development in the countryside in general and states that it will not be approved. Policy 68 deals with Housing in the Countryside. It states, "other than provided for in policies 60 (re-use of dwellings in the countryside), 69 (rural workers dwellings) and 70 (re-use and adaptation of buildings in the countryside for residential use) housing development in the countryside will not be approved. This proposal would represent new-build in the countryside and does not include the conversion of any existing structure; furthermore, the applicant in relation to this proposal has identified no agricultural need. It is therefore considered that the proposal is contrary to the relevant development plan policies.

## Easington Development Framework

The Easington Development Framework is currently being prepared and will replace the Local Plan. The Development Framework will aim to plan the location of new housing developments to meet the needs of Easington's residents. The evidence available identifies the need to provide a better mix of housing that is affordable and at an appropriate density, in sustainable locations, as well as provide for those with special needs.

PPS3 states that local planning authorities should set out in Local Development Documents their policies and strategies for delivering the level of housing provision, including identifying broad locations and specific sites that will enable continuous delivery of housing, for at least 15 years from the date of adoption, taking account of the level of housing provision set out in the RSS. As mentioned above the Council has a number of sites coming forward as part of regeneration programmes, which provide a framework for the future development of Thornley. Coopers Close and Thornlaw South being examples of areas within the settlement boundary of Thornley that are in need of regeneration. Proposals are now being developed for Thornlaw South and a Masterplan will be commissioned later this year to provide a framework to guide development of the Coopers Close/Hartlepool Street area. It is therefore

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concluded that this proposal will undermine the Council's ability to regenerate the District as a whole and Thornley in particular.

## Responses to the Applicants submission

The arguments put forward by the applicant in support of this proposal are not considered sufficient to outweigh the policy objections outlined previously.

The viability of the existing business is obviously a concern for the applicant; however, in this instance the questions over the future of the site are not sufficient to allow the development of a site situated outside the established settlement boundary. If the existing structure were to become disused and fall into a state of disrepair planning policy would allow for the conversion of the existing structure, although the re-development of the site as currently proposed would still be opposed by the Local Planning Authority.

The applicant's arguments relating to his view that the application relates to a "gateway" site the development of which would be to the benefit of Thornley as a whole is also questioned. It is accepted that the Crossways Hotel occupies a prominent position adjacent to one of the main access to Thornley, however, as stated previously it is the Local Planning Authorities view that the development of the Crossways site would undermine the Council's ability to regenerate more appropriate sites within Thornley.

## Other Considerations

East Durham Business Service have confirmed that they have no comments to make in relation to this application, however, they have confirmed that they are currently working with the applicant in completing a business review; the findings of which are not currently available.

The Highways Authority has been consulted in relation to this application; no highway objections are raised to the proposal.

Easington District Council, Environmental Health Officers, have suggested that contaminated land and noise risk assessments should be a condition of any grant of planning application.

## **Conclusion**

The proposed development of residential properties on the application site clearly contravenes relevant national, regional, County and District Council policies and in principle planning permission should be refused.

The applicant has submitted information to show that the existing hotel is not a viable business but this has not been verified by East Durham Business Service. In any event, it does not outweigh the fundamental objection to the development of an inappropriate site. The applicant states that redevelopment will have regeneration benefits for Thornley and end the uncertainty over the future of the hotel site. However, the arguments put forward by the applicant are not considered sufficient to outweigh the strict policy objections to the proposal.

The Councils policy is to prioritise the development of previously developed land within existing settlements for residential development and proposals are being developed in Thornley to achieve this. The current proposal relates to an application outside the established settlement boundaries and therefore should not be

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supported. Indeed the proposed development of this site could prejudice the development of more appropriate sites on previously developed development sites within the settlement of Thornley, which are vital to the regeneration of the village.

**Recommendation Refusal** for the following reasons:

The proposal represents the development of a site outside the established settlement boundaries as identified in the District of Easington Local Plan. As such, the proposal could prejudice the development of previously developed sites in Thornley and undermine the Council's regeneration objectives, and would be contrary to the relevant development plan policies: Durham County Structure Plan Policy 9 and District of Easington Local Plan Policies 3, 67, 68 and 69.

**Decision time** - 12 weeks. Target achieved

## **PLAN/2007/0249**

### **SEAHAM (SEAHAM NORTH) - CHANGE OF USE FROM RESIDENTIAL TO RETAIL INCLUDING FRONT EXTENSION AT 39 & 40 GREGSON TERRACE, SEAHAM FOR MR AND MRS SHAH**

#### **The Application Site**

The site lies within a built up residential part of Seaham consisting of a number of terraced dwellings along a narrow street, close to the junction of Stockton Road and Seaton Lane. The site lies towards the northern end of Gregson Terrace, number 39 being the existing shop with a flat above and number 40 a private rented dwelling.

#### **The Proposed Development**

It is proposed to convert the ground floor of number 40 to a shop to be amalgamated with the existing business at number 39. This will involve altering the front elevations to match the existing shop front. A flat will remain above.

#### **Site History**

There is no planning history.

#### **Planning Policy**

*District of Easington Local Plan*

GEN01 - General Principles of Development  
ENV35 – Design and amenity  
Policy 103 – Small shop development.

#### **Consultations and Publicity**

A site notice was posted and local residents consulted. Objections have been received from three residents raising the following issues :

- Extra retailing will increase traffic and parking problems on this narrow street.
- Increased disturbance from customers and youths gathering nearby.
- Will clash with parking at nearby Vet's Surgery.

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County Highways – No objections but raises issues over rainwater discharge to footpath.

Town Council – no response.

## **Planning Considerations and Assessment**

The main planning issues associated with this application relate to :

- Traffic generation
- Impact of the activity on local residents.

The existing shop is similar to many seen in other residential terraces in the country and is usually considered to fulfil a valuable service providing a local shopping facility for convenience goods for local residents and passing trade.

The District of Easington Local Plan policy 103 supports such development providing local amenities are not adversely affected.

In this instance there have been concerns relating to increased noise and traffic generation raised by local residents however the Highway Authority have no concerns in this regard.

A balance has to be made between the desirability of supporting the continued existence and expansion of a local community facility and the effects it will have on the living conditions of local residents.

In this instance it is considered that the limited scope of the extension and the nature of the use, (not a hot food take away for example), is such that on balance the proposed development will be acceptable in planning terms.

## **Conclusion**

The impact of the additional retail activity on the local environment has been considered in the light of the scale of the proposal and the likely level of impact, compared with the benefits to be derived from the expansion of a local community facility.

It is considered that in this instance the benefits of the development outweigh the likely detrimental effects of the development on local residents and therefore it is recommended that planning permission is granted.

**Recommendation**     **Approval** - subject to the following conditions: Surface water disposal.

## **Reason for Approval**

The proposed development complies with the planning policies referred to above.

**Decision time** - 9 weeks, target not achieved due to third party objections and referral to Panel.

# Item no.

**PLAN/2007/0339**

**SEAHAM (DAWDON) - NEW PRIMARY SCHOOL AT PRINCESS ROAD PRIMARY SCHOOL, PRINCESS ROAD, SEAHAM FOR MR D HENDERSON DURHAM COUNTY COUNCIL**

## **The Application Site**

The application relates to the Princess Road Primary School Site in Seaham. The existing buildings are two/three storeys in height and are constructed in traditional materials including red brick and slate roofs. The application fronts onto Princess Road to the northeast, at the rear is an area of grassed space currently used for recreational purposes. The School is situated within an established residential area characterised by two-storey terraced properties constructed in red brick with slate roofs.

The existing buildings on the site are not listed, and the site is not situated within the Seaham Conservation Area. The application site is unallocated within the District of Easington local Plan.

## **The Proposed Development**

The proposal is for the clearance of the existing site and the subsequent erection of a new purpose built school building.

This work forms part of a Durham County Council Strategy to improve the quality of educational accommodation for the pupils in the Seaham area, to address the existing surplus places issues, to erase the maintenance back log associated with the existing schools and to optimise running costs. The Durham County Council strategy includes the demolition of the three existing primary schools serving Seaham: Princess Road, Camden Square and Parkside; and the erection of a new purpose built school on the Princess Road site to be known as Seaham Primary.

The new school will provide a 390-place primary school and a 39-place Nursery unit. The accommodation will also include additional provision such as the parent's room and training room which will provide for extended school activities, and the community will be encouraged to use some areas of the school accommodation, outside the school day.

The proposed building is to be of a modern design and will be between one and two storeys in height. The structure will be sited in the centre of the application site with parking and landscaped area fronting Princess Road. Recreation space and play areas are to be located around the exterior of the site predominantly away from the Princess Road frontage. The design of the buildings will allow future additions or alterations to be made efficiently.

## **Site History**

None relevant.

## **Planning Policy**

*District of Easington Local Plan*

ENV11 - Tree Preservation Orders



# Item no.

ENV35 - Environmental Design: Impact of Development  
ENV36 - Design for Access and the Means of Travel  
ENV37 - Design for Parking  
GEN01 - General Principles of Development  
REC90 - Protection and provision of outdoor sports facilities  
REC91 - Protection of children's play space  
REC94 - Provision of new or improved education facilities on existing sites

## **Consultations and Publicity**

Durham County are to determine this application and are responsible for consultations, including with the public. Internal Consultations have been undertaken with other Council units.

Easington District Council, Environmental Health Officer, comments:

- Hours of construction should be limited to protect the amenities of adjacent occupants.

At the time of preparing the report consultation responses had not been received from Regeneration, Planning Policy, or Landscape. Any additional comments received will be reported to the Panel Meeting.

## **Planning Considerations and Assessment**

This application is to be determined by Durham County Council. The District Council have been consulted regarding the application, and the purpose of this report is to summarise the proposals for District Council members in order that the proposals can be discussed for a formal response to the County Council to be agreed.

The proposal is considered to accord with the relevant District of Easington Local Plan Policies. Policy 94 of the Local Plan actively supports the provision of new or improvement of existing educational facilities on existing sites.

The proposed school is considered to be acceptable in terms of design and scale. The application represents the replacement of an existing use and as such it is not considered that the proposal will have any detrimental effects on adjacent occupants sufficient to warrant refusal of the application.

## **Conclusion**

The District Councils consultation response should be supportive of the scheme. It is proposed that any concerns raised by Councillors during discussion of this proposal and/or internal consultees be included in the District Council's response to the County.

**Decision time** - Within 3 weeks, consultation requirements met.

## **E Background Papers**

The following background papers have been used in the compilation of this report.

Durham County Structure Plan  
District of Easington Local Plan

# Item no.

Planning Policy Guidance Notes  
Planning Policy Statements  
Regional Spatial Strategy  
DETR Circulars  
Individual application forms, certificates, plans and consultation responses  
Previous Appeal Decisions



**Graeme Reed**  
Head of Planning and Building Control